THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.5018 of 2006

Between:

Goli Maraiah … Petitioner

And

The Joint Collector, Nalgonda,

Nalgonda District and 2 others

…Respondents

ORDER:

Petitioner questions the proceedings of the Revenue Divisional Officer, Nalgonda, dt.14.10.2005 in Proc.No.E/2817/2005 in canceling the legal heir certificate issued by the Mandal Revenue Officer, Nalgonda, vide file No.E/2745/2005 dt.27.4.2005 on the ground that the said legal heir certificate is false. The reasons for cancelling the legal heir certificate are that the wife of the petitioner Goli Chandramma worked in Social Welfare Department as Kamati in

Nalgonda and subsequently died in the year 2000. It is stated that no body claims the family pension till 2004. But in the year 2004 only the family pension was claimed by the petitioner being the husband of the said Chandramma and notice was given to the petitioner to file documentary evidence in support of his claim. The petitioner filed pension papers submitted by G.Chandramma during her life time which is evident from the annexure-I of descriptive rolls for sanction of family pension papers in which she has clearly written her husband's name as late G.Maraiah. Because of the fact that the petitioner married second wife, as there are strained relations Chandramma stated she is wife of late G.Maraiah. It is the case of the petitioner that the petitioner is very much alive and based on the enquiry of the Mandal Revenue Inspector, Nalgonda, the Mandal Revenue Officer granted the legal heir certificate. But the Revenue Divisional Officer made an enquiry with regard to the fact as to whether the petitioner died or alive and came to the conclusion that the petitioner is not the husband of the said G.Chandramma.

Heard the learned counsel for the petitioner and the learned Government Pleader for revenue on behalf of the respondents.

I am of the opinion that the order passed by the Revenue Divisional Officer is not supported by any documentary evidence, whether the petitioner is the husband of late Chandramma and whether the husband of Chandramma died or not, requires thorough enquiry. Having regard to the facts and circumstances of the case, the order passed by the Revenue Divisional Officer in Proc.No.E/2817/2005 dt.14.10.2005 is set aside and the 2nd respondent is directed to conduct a thorough enquiry by enquiring the relatives of late Chandramma as well as the petitioner and elderly persons of both localities, where the petitioner and his wife Chandramma used to live as to whether the petitioner is the husband of late Chandramma and also with reference to the records of the Mandal Revenue Officer concerned and pass appropriate orders afresh in accordance with law, within two months from the date of receipt of copy of this order, after giving reasonable opportunity to the petitioner.

The writ petition is disposed of accordingly. No order as to costs.

_____

(V.ESWARAIAH, J.)

16.3.2006

kpr